

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KING RANGE, JR.,

Plaintiff,

-against-

230 WEST 41ST STREET LLC, HAT TRICK
PIZZA, INC., DOMINO'S PIZZA LLC AND
DOMINO'S PIZZA FRANCHISING LLC,

Defendants.

Civil Action No.:1:17-cv-00149-LAP

DECLARATION OF JOHN SERAO

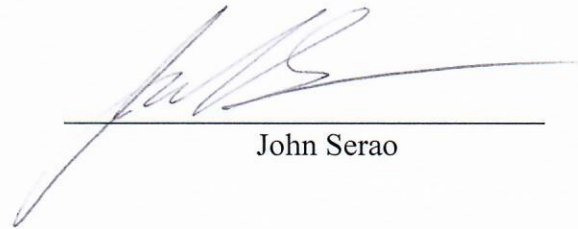
JOHN SERAO, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am over the age of 18 and have personal knowledge of the following facts.
2. I am employed by Colliers International as the Chief Engineer assigned to the building located at 230 West 41st Street, New York, NY 10036.
3. As part of my responsibilities as Chief Engineer, I am also responsible for the day-to-day mechanical issues for the building located at 219 West 40th Street, New York, NY 10018 (the "Building").
4. The Domino's pizza store located at 227 West 40th Street, New York, NY 10018 (the "Property") is a tenant in the Building.
5. In 2002, there was a step between the public sidewalk on West 40th Street and the Building lobby of approximately 5 inches, which was comprised of granite stone rather than concrete slab. At that time, the doors to the Building lobby were locked after 5:00 p.m.

6. There is a significant slope between the Building lobby and the Property entrance. Because the sidewalk slopes down towards the Property entrance from the Building lobby, the concrete slab at the Property is above the grade of the sidewalk.

7. The step at the Building lobby was removed between 2006-2008 as part of a project to renovate the Building lobby.

Dated: New York, New York
February 4, 2020



John Serao